

GENERAL RULES.

SUBSTITUTION TO THE 35TH RULE IN ADMIRALTY.

ORDERED, That the 35th rule in Admiralty be abolished, and the following substituted in its stead, viz.:

The stipulations required by the last preceding rule, or on appeal, or in any other admiralty or maritime proceeding, shall be given and taken in the manner prescribed by rule fifth as amended.

[Promulgated May 6th, 1872.]

AMENDMENT TO THE 21ST RULE.

ORDERED, That the 21st rule be hereby amended, and that it shall hereafter be as follows:

SECTION 1. Only two counsel shall be heard for each party on the argument of a cause.

SECTION 2. Two hours on each side shall be allowed to the argument, and no more, without special leave of the court, granted before the argument begins. The time thus allowed may be apportioned between the counsel on the same side, at their discretion: Provided, always, that a fair opening of the case shall be made by the party having the opening and closing arguments.

SECTION 3. The counsel for the plaintiff in error, or appellant, shall file with the clerk of the court, at least six days before the case is called for argument, twenty copies of a printed brief, one of which shall, on application, be furnished to each of the counsel engaged upon the opposite side.

SECTION 4. This brief shall contain, *in the order here stated*:

I. A concise abstract, or statement of the case, presenting succinctly the questions involved, and the manner in which they are raised.

II. An assignment of the errors relied upon, which, in cases brought up by writ of error, shall set out separately and specifically each error asserted and intended to be urged, and, in cases brought up by appeal, the assignment shall state, as specifically as may be, in what the decree is alleged to be erroneous. If error is assigned to a ruling upon the report of a master, the specification shall state the exception to the report and the action of the court upon it.

III. A brief of the argument, exhibiting a clear statement of the points of law or fact to be discussed, with a reference to the pages of the record, and the authorities relied upon in support of each point. When a statute of a State is cited, so much thereof as may be deemed necessary to the decision of the case shall be printed at length.

SECTION 5. When the error alleged is to the charge of the court, the specification shall set out the part referred to *totidem verbis*, whether it be instructions given or instructions refused.

SECTION 6. When the error alleged is to the admission or to the rejection of evidence, the specification shall quote the full substance of the evidence admitted or rejected.

SECTION 7. Counsel for a defendant in error, or an appellee, shall file with the clerk twenty printed copies of his argument, at least three days before the case is called for hearing. His brief shall be of a like character with that required of the plaintiff or appellant, except that no assignment of errors is required, and no statement of the case, unless that presented by the plaintiff or appellant is controverted.

SECTION 8. Without such an assignment of errors, counsel will not be heard, except at the request of the court, and errors not assigned according to this rule will be disregarded, though the court, at its option, may notice a plain error not assigned.

SECTION 9. When, according to this rule, a plaintiff in error, or an appellant, is in default, the case may be dismissed on motion, and when a defendant in error, or an appellee, is in default, he will not be heard, except on consent of his adversary, and with request of the court.

SECTION 10. When no counsel appears for one of the parties, and no printed brief or argument is filed, only one counsel will be heard for the adverse party; but if a printed brief or argument is filed, the adverse party will be entitled to be heard by two counsel.

This rule, as amended, shall take effect on the 1st day of January, 1873.

[Promulgated November 16th, 1872.]